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PTO/SB/26 (09-04)  
proved for use through 07/31/2006. OMB 0651-0031  
Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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Under the Paperwork Reduction Act of 1995  
**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
164.1017.01

In re Application of: Reza Majidi-Ahy et al.

Application No.: 09/620,826

Filed: July 21, 2000

For: Integrated Self-Optimizing Multi-Parameter/Multi-Variable Point-to-Multipoint Communication System [II]

The owner\*, Aperto Networks, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,654,384 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

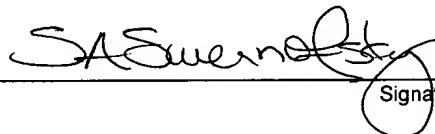
expires for failure to pay a maintenance fee;  
is held unenforceable;  
is found invalid by a court of competent jurisdiction;  
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;  
has all claims canceled by a reexamination certificate;  
is reissued; or  
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 33,040

  
Signature

5-18-2005

Date

Steven A. Swernofsky

Typed or printed name

05/23/2005 CCHAU1 0000021 09620826

01 FC:1814

130.00 OP

(650) 947-0700

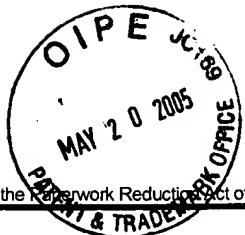
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



22883

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

|                      |                    |
|----------------------|--------------------|
| Application Number   | 09/620,826         |
| Filing Date          | 7/21/2000          |
| First Named Inventor | Majidi-Ahy, et al. |
| Examiner Name        | Jones, P.          |
| Art Unit             | 2667               |
| Attorney Docket No.  | 164.1017.01        |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

 Deposit Account

Deposit Account Number 50-0365  
Deposit Account Name Swernofsky Law Group PC

## The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

## Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge – late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge – late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 120      | 2251     | 60       | Extension for reply within first month                                     |          |
| 1252     | 450      | 2252     | 225      | Extension for reply within second month                                    |          |
| 1253     | 1,020    | 2253     | 510      | Extension for reply within third month                                     |          |
| 1254     | 1,590    | 2254     | 795      | Extension for reply within fourth month                                    |          |
| 1255     | 2,160    | 2255     | 1,080    | Extension for reply within fifth month                                     |          |
| 1401     | 500      | 2401     | 250      | Notice of Appeal   |          |
| 1402     | 500      | 2402     | 250      | Filing a brief in support of an appeal                                     |          |
| 1403     | 1,000    | 2403     | 500      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive – unavoidable   |          |
| 1453     | 1,370    | 2453     | 685      | Petition to revive – unintentional   |          |
| 1501     | 1,400    | 2501     | 700      | Utility issue fee (or reissue)   |          |
| 1502     | 800      | 2502     | 400      | Design issue fee   |          |
| 1503     | 1,100    | 2503     | 550      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 790      | 2809     | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 790      | 2810     | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 790      | 2801     | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

\$130.00

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description                 | Fee Paid |
|--------------|--------------|---------------------------------|----------|
| Fee Code     | Fee Code     | Fee Description                 |          |
| 1001         | 790          | 2001 395 Utility filing fee     |          |
| 1002         | 350          | 2002 175 Design filing fee      |          |
| 1003         | 550          | 2003 275 Plant filing fee       |          |
| 1004         | 790          | 2004 395 Reissue filing fee     |          |
| 1005         | 200          | 2005 100 Provisional filing fee |          |

SUBTOTAL (1) (\$ 0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Extra Claims       | Fee from below | Fee Paid |
|--------------------|----------------|----------|
| Total Claims       | -20**=         | X        |
| Independent Claims | - 3**=         | X        |

Multiple Dependent

| Large Entity | Small Entity | Fee Description   | Fee Paid |
|--------------|--------------|---|----------|
| Fee Code     | Fee Code     | Fee Description   |          |
| 1202         | 50           | 2202 25 Claims in excess of 20                                    |          |
| 1201         | 200          | 2201 100 Independent claims in excess of 3                        |          |
| 1203         | 360          | 2203 180 Multiple dependent claim, if not paid                    |          |
| 1204         | 200          | 2204 100 **Reissue independent claims over original patent        |          |
| 1205         | 50           | 2205 25 **Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$ 0.00)

\*\* or number previously paid, if greater; For Reissues, see above

Other fee (specify) 1814 Terminal Disclaimer

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

| SUBMITTED BY      |                      | Complete if applicable            |        |                        |
|-------------------|----------------------|-----------------------------------|--------|------------------------|
| Name (Print/Type) | Steven A. Swernofsky | Registration No. (Attorney/Agent) | 33,040 | Telephone 650-947-0700 |
| Signature         | SA Swernofsky        |                                   |        | Date 5-18-2005         |

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